

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Z.F.1, *et al.*,

Plaintiffs,

v.

BETHANNA, *et al.*,

Defendants.

CIVIL ACTION

No. 17-4821

**STIPULATION AND ORDER TO SUBSTITUTE
THE UNITED STATES FOR CERTAIN DEFENDANTS AND TO
DISMISS PLAINTIFFS' CLAIMS AGAINST THE UNITED STATES**

Under Federal Rule of Civil Procedure 41(a)(1), Plaintiffs Z.F.1 and Z.F.2, minors, by their parent and natural guardian, Vernon Broadus, and the United States of America, on behalf of named defendants Roger Kimber, Jr., M.D. (Dr. Kimber) and Welsh Mountain Health Centers d/b/a Meadow Creek Family Practice (Welsh Mountain), stipulate, subject to Court approval, that:

1. As required by the Federally Supported Health Centers Assistance Act of 1992 and 1995, 42 U.S.C. § 233 (FSHCAA), and its certain incorporated portions of the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671-2680 (FTCA), the United States of America is substituted as the sole federal defendant in the place of Dr. Kimber and Welsh Mountain. *See* 42 U.S.C. §§ 233(a) & (c);

2. Because the United States is substituted as the sole federal defendant, and as required under the FSHCAA and its certain incorporated portions of the FTCA, all claims against Dr. Kimber and Welsh Mountain are dismissed with prejudice. *See id.*

3. Plaintiffs' claims against the United States are dismissed without prejudice, in order to permit Plaintiffs to exhaust administrative remedies that are a statutory precondition to their suit, by submitting the administrative claim(s) that

the FSHCAA and its certain incorporated portions of the FTCA require. *See* 42 U.S.C. § 233(a); 28 U.S.C. § 2675(a).

SO STIPULATED:

KLINE & SPECTER, P.C.

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minors, by their parent and natural
guardian, Vernon Broadus*

Dated: November 1, 2017

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*Attorneys for the United States of America,
on behalf of defendants Roger Kimber, Jr.,
M.D. and Welsh Mountain Health Centers
d/b/a Meadow Creek Family Practice*

Dated: November 1, 2017

APPROVED AND SO ORDERED:

Dated: November 1, 2017

BY THE COURT:



JOSEPH F. LEESON, JR.
United States District Judge